S.B. CIVIL MISC. APPEAL NO. 585/2001

Date : 24.03.2006

HON'BLE MR. BHAGWATI PRASAD, J.

Mr. T.Gupta for the appellant.
Mr. M.R. Singhvi for the respondents.

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Heard.

The first point raised by the learned counsel for the appellant in this case is that the learned tribunal has been rash and indiscreet in passing the award, so much so that originally the interest of 9% was contemplated and passed and it was so recorded in the judgment as typed and incorporated in the ordersheet drawn for that day. However, the learned Judge made correct in the judgment to 6% but the order-sheet remains of 9%. This kind of appraoch of Tribunal reflects on the functioning of the Tribunal. Be that as it may, in the facts and circumstances of the case, the interest deserves to be made what the Tribnal has designated and awarded originally i.e. 9%.

The second point urged by the learned counsel for the appellant is that the deceased was 26 years of age and a driver in Bhilwara Dairy, a co-operative movement undertaking. The future prospects have not been taking into consideration nor the overtime and other allowances have been clubbed with the dependency. Therefore a change in the multiplier is consdered in the interest of justice. A multiplier of 16 has been used, which looking to the facts and circumstances of the case, is enhanced to 18. Rest of the award is not

touched.

With these observations, the appeal is partly allowed. The Tribunal will frame a fresh award incorporating the above indicated modifications.

(BHAGWATI PRASAD), J.

bjsh